2.1.0 ROE #11 Policy against Discrimination, Harassment and Sexual Misconduct

I. STATEMENT OF POLICY

It is the ROE #11's policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status or any other classification prohibited under federal or state law. Sexual misconduct is also prohibited. As required by Title IX the Regional Office of Education #11 will neither tolerate nor condone discrimination, harassment or sexual misconduct by students, employees, supervisors, elected officials, co-workers or non-employees with whom ROE #11 has a business, service or professional relationship. "Employee" for purposes of this policy includes any individual performing services for ROE #11, an apprentice, an applicant for apprenticeship or an unpaid intern. Retaliation against an employee or student who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee or student who participates in an investigation pursuant to this policy is likewise prohibited. The ROE #11 is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. Roe #11 will take disciplinary action, up to and including termination, against an employee or up to and including expulsion, against a student who violates this policy.

As set forth above, sexual harassment and sexual misconduct are prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of sexual nature when:

1. submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual's employment;

2. submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;

3. the harassment has the purpose or effect of unreasonable interfering with the employee's work or the student's school performance or creating an intimidating, hostile or offensive work/school environment because of the persistent, severe or pervasive nature of the conduct.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The employee/student as well as the harasser may be a woman or a man. The employee/student does not have to be of the opposite sex.
- The harasser can be the employee's supervisor, an agent of the employer, a supervisor in another area, a co-worker or a non-employee.
- The harasser can be the student's classmate, teacher, principal, or other school employee.
- The employee/student does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the employee/student.
- The harasser's conduct must be unwelcome.

Each employee/student must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that ROE #11 deems inappropriate and in violation of our policy:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Making or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
4. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
5. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, derogator or suggestive comments about a person's body or dress.
6. Written or electronic communications of a sexual nature or individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes regarding disable individuals.
7. Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

Sexual misconduct is strictly prohibited by ROE #11 and can include any inappropriate and/or illegal conduct of a sexual nature including, but not limited to, sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault, or ANY sexual contact or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical).

II. RESPONSIBILITIES

A. Supervisors

Each regional superintendent of schools, assistant regional superintendent of schools, principal, teacher, and other employee shall be responsible for ensuring compliance with this policy, including the following:

1. Monitoring the workplace/school environment for signs of discrimination, harassment or sexual misconduct;

2. Mandatory reporting of any potential sexual harassment to the Title IX Sexual Harassment Coordinator.

3. Provide mandatory yearly sexual harassment training to ALL Employees that complies with section 2-109 of the Illinois Human Rights Act (IHRA).

4. Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees/student are within his/her line of supervision;

5. Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the state's attorney; and

6. Taking immediate action to limit the contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.

7. Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois.

8. Immediately notifying the Department of Children and Family Services (DCFS) hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.

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B. Employees

Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:

1. Refrain from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;

2. Immediately reporting any violations of this policy to a supervisor and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances);

3. Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct.

4. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct.

5. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. student, man, woman, supervisor, elected official, co-worker, volunteer, vendor, member of public). An employee who fails to promptly make or forward a report may be disciplined up to and including termination.

There is a clear line, in most cases, between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.

ROE #11 does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

III. APPLICABLE PROCEDURES

ROE #11 takes allegations of discrimination, harassment and sexual misconduct very seriously. It will actively investigate all complaints.

It is helpful for the employee/student to directly inform the offending individual that the conduct is unwelcome and must stop. The employee/student should use the ROE #11's complaint procedure to advise the ROE #11 of any perceived violation of this policy as soon as it occurs. Questions regarding the Title IX policy may be referred to the Regional Office of Education #11's Title IX coordinator

Title IX Coordinator – Dr. Kyle Thompson, Regional Superintendent of Schools

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A. Bringing a complaint

Any employee/student of ROE #11 who believes that there has been a violation of this policy may bring the matter to the attention of ROE #11 in one of the following ways:

1. Advising his or her supervisor; or

2. Advising the offending employee's supervisor, the assistant regional superintendent of schools or the regional superintendent of schools in the event that the alleged harasser is one of the above.

3. Advising his or her teacher, principal, or any staff member.

4. Advising any employee with whom the person is comfortable speaking.

5. Any employee that has been disclosed to of a complaint MUST forward this complaint to the Title IX Coordinator.

If the offended employee involves someone in the employee's direct line of command, then the employee should go directly to the regional superintendent of schools.

The complaint should be presented as promptly as possible after the alleged violation of this policy occurs.

B. Resolution of a Complaint

Promptly after a complaint is submitted, the ROE #11 will undertake such investigation, corrective and preventive actions as are appropriate. In general, the procedures in resolving any complaints can (but will not necessarily) include any of the following items:

Title IX Coordinator

1. The Title IX Coordinator MUST be notified to begin the procedures.

2. A meeting between the employee/student making the complaint and the Title IX Coordinator. Important data to be provided by the complaining employee/student includes the following:

a. A description of the specific offensive conduct;

b. Identification of all person(s) who engaged in the conduct;

c. The location where the conduct occurred;

d. The time when the conduct occurred;

e. Whether there were any witnesses to the conduct;

f. Whether conduct of a similar nature has occurred on prior occasions;

g. Whether there are any documents which would support the complaining employee's allegations;

h. What impact the conduct had on the complaining employee/student.

3. While not required, ROE #11 encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.

4. Inform the complainant of the available supportive measures with or without filing a formal complaint.

5. Offer to mediate an informal resolution if both parties provide informed written consent to do so.

a. If an informal resolution is met, the terms should be documented with both parties reviewing and signing the document.

b. If no informal resolution can be obtained then, a formal complaint should be filed by the complainant.

6. Determine if the allegations of the formal complaint meet the definition of sexual harassment and criteria for Title IX.

Grievance Process

Title IX Investigator

1. After a complaint is submitted by the employee/student, the alleged offending individual should be contacted by the Title IX Investigator. The alleged offending individual should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee/student (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and my also submit a written statement, if desired.

2. After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee/student or the alleged offending individual may be interviewed separately.

3. Provide both parties with the evidence and investigative summary reports with 10 days to respond

4. Investigative reports are sent to the Title IX Initial Decision Maker to begin the Grievance Process.

Decision

Title IX Decision Maker

1. Once the information has been provided to both parties as well as the Title IX Decision Maker, both the complainant and the accused will be allowed the opportunity to ask questions of any party or witness.

2. The grievance process should include reasonably prompt time frames for the conclusion of the complaint, including appeals and informal resolutions.

3. Both parties must be notified of the different possible remedies/outcomes that the Regional Office of Education #11 may provide/impose.

4. Once this investigation is completed, ROE #11 will take such action as is appropriate based upon the information obtained in the investigation.

a. Preponderance of the standard will be used in a burden of proof analysis (Greater than 50% chance that the claim is true by analysis of evidence).

5. In the event that ROE #11 finds merit in the charges made by the complaining employee/student, disciplinary action will be taken against the offending employee/student. This disciplinary action may, but need not necessarily, include:

a. Verbal or written reprimand;

b. Placing the offending employee on a corrective action plan for a period of time to be identified;

c. Delay in pay increases or promotions;

d. Suspending the offending employee from work without pay or student from class for a period of set time;

e. Demotion;

f. Immediate termination/expulsion.

6. Once the Title IX Decision Maker has issues a decision the written determination will be send to both the complainant and the accused with the following information:

a. Responsibility with findings of fact

b. Conclusion on if the alleged conduct occurred.

c. Rationale for the result to each allegation

d. If any disciplinary action will be imposed on the offender or if any remedies for the complainant will be provided.

e. How to file an appeal.

When investigating alleged violations of this policy, ROE #11 looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

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